

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No. 8650 of 1997

Dated: 05-12-2006

Between:

M/s.Nagarjuna Finance Ltd., Hyderabad,
rep. By its Company Secretary

Petitioner

And

Deputy Commissioner of Prohibition & Excise, Hyderabad Division,
Hyderabad and four others

Respondents

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W.P.No. 8650 of 1997

ORDER:

1. The writ petition has been instituted seeking a declaration that the seizure of the vehicle bearing Registration No.A.P.9 J-9747 as illegal and void.
2. The petitioner company appears to have entered into a hire purchase agreement with the 5th respondent with regard to the aforementioned vehicle. The Task Force of the State Excise Department during one of its routine checks had detected a huge consignment of Indian made foreign liquor bottles being transported through the vehicle in question. Therefore, the vehicle has been seized under the cover of a Panchanama inasmuch as excise goods are transported without there being the necessary authorization thereto. Since it also involves an offence, a crime against the 5th respondent has been registered. Ultimately the vehicle in question came to be seized in exercise of the powers available under Sections 12 and 13 of the Andhra Pradesh Prohibition Act, 1995. The vehicle in question has been confiscated in favour of the State Government vide separate orders dated 17-07-1996. These orders are appealable under Section 13-C of the said Act. Therefore, the validity or otherwise of the orders of confiscation passed on 17-07-1996 cannot be examined in this writ petition. The remedy, if any, for the writ petitioner to call in question the correctness or otherwise of the confiscation order is elsewhere and the same cannot be examined in the present

writ petition. Therefore, the writ petition is dismissed as lacking merit but however without costs. A Xerox copy of the confiscation orders has been kept on record treating it as forming part of the record.

05-12-2006

Stp